

BY-LAWS

INDIANA COMMISSION FOR POSTSECONDARY  
PROPRIETARY EDUCATION

I. MEETINGS

1. Regular Meetings: The Commission shall hold regular meetings four times each year (I.C. 20-1-19-4). The regular meetings shall be held on a weekday (excluding holidays) during regular state business hours (8:15-4:45). The four regular meetings shall be scheduled for February, May, August, and November, the meeting date and time to be set by the chairman.

2. Special Meetings and Hearings: Special meetings of the Commission may be held for the expeditious conduct of Commission business when necessary, for the conduct of formal hearings under the provisions of the Administrative Adjudication Act (I.C. 4-22-1), and for the conduct of public hearings required for the promulgation of agency regulations. Special meetings may be called by the Chairman or upon request of not less than a majority of the Commissioners.

3. Notice of Meeting: Written notice of the date, time, location and agenda of any regular or special meeting must be provided to each commissioner by the chairman at least five (5) days prior to the date of the meeting. Public notice of all Commission meetings must also be posted in a prominent, visible location accessible to the public at the offices of the Commission at least two (2) days prior to the date of the meeting, and in such other forms and manners as may be required by law (I.C. 5-14-1.5-5).

4. Location of Meetings: All regular and special meetings of the Commission shall be held at the offices of the Commission, or at a suitable alternative location within reasonable proximity to the Commission offices. Upon consent by at least a majority of the Commissioners, regular or special meetings may be held at some location other than the seat of government of the state. The location of any regular or special meeting must be accessible and open to the public (I.C. 5-14-1.5-3).

5. Quorum: A simple majority of the members of the Commission shall be necessary to constitute a quorum for the transaction of any business, and the act of a majority of the members of the Commission present at any meeting at which a quorum is present shall be the act of the Commission.

6. Procedures: All official meetings of the Commission shall be conducted according to the procedures required by law, or, in the absence of applicable law, according to the procedures of Robert's Rules of Order.

a.) No votes on any items of business by the Commission shall be by secret ballot (I.C. 5-14-1.5-3).

b.) Executive sessions may be held only in the following instances: (i) where authorized by federal or state statute; (ii) for discussion of strategy with respect to: collective bargaining, initiation of litigation or litigation which is either pending or has been threatened specifically in writing, the implementation of security systems, or the purchase or lease of real property up to the time a contract or option to purchase or lease is executed by the parties; however, all such strategy discussions must be necessary for competitive or bargaining reasons; (iii) interviews with industrial or commercial prospects or their agents; (iv) interviews with prospective employees; (v) with respect to any individual over whom the governing body has jurisdiction: to receive information concerning the individual's alleged misconduct, and to discuss, prior to any determination, that individual's status as an employee, student, or independent contractor; (vi) for discussion of records classified as confidential by state or federal statute; (vii) to discuss before any placement decision and individual student's abilities, past performance, behavior, and needs; and (viii) to discuss a job performance evaluation of individual employees (I.C. 5-14-1.5-6).

c.) A final action must be taken at a meeting open to the public (I.C. 5-14-1.5-6).

d.) Public notice of executive sessions must state their purpose or subject matter (I.C. 5-14-1.5-6).

e.) A governing body may not conduct an executive session during a meeting, except as otherwise permitted by applicable statute. A meeting may not be recessed and reconvened with the intent of circumventing this subsection (I.C. 5-14-1.5-6).

7. Agenda: No set order of business is established by these by-laws, and may be left to the discretion of the Chairman. However, an agenda must be prepared by the Chairman for each meeting and provided to the Commissioners and the public in accordance with section 3 above. The agenda for each meeting must provide for the reading and approval of Minutes from the previous meeting, for committee and staff reports when necessary, and for the consideration of old and new business.

8. Minutes: Minutes shall be kept of the proceedings of all meetings, and shall include:

- a.) the date, time and location of the meeting;
- b.) the Commission members recorded as either present or absent;
- c.) the general substance of all matters proposed, discussed or decided; and
- d.) a record of all votes taken, by individual members if by roll call.

The Minutes are to be prepared and available for public inspection within a reasonable period of time after the meeting. The Minutes shall be kept in the offices of the Commission until transferred to the state archives under the retention schedule established by the Commission on Public Records (I.C. 5-15-5.1).

## II. OFFICERS & ELECTIONS

1. Regular Elections: Regular elections for the officers of the Commission shall be held every two years, during the first regular meeting held each even numbered year. No election may be by secret ballot (I.C. 5-14-1.5-3). All members present, including nominees, may vote.
2. Nominations: A nominating committee shall be designated by the Commission at least one regular meeting prior to the election, for the purpose of drafting a slate of candidates. The slate of candidates of the nominating committee shall not require a second to be nominated. Nominations may also be made by any member, but must be seconded by another member. No member may nominate himself or second his own nomination, but a member of the nominating committee may be nominated. Members of the nominating committee shall not be prohibited from making floor nominations or seconding nominations. Any member nominated to an office may decline the nomination prior to the election.
3. Term of Office, Resignation: All officers shall normally serve for a term of two (2) years and/or until their successors have been duly elected. Any officer may resign his office upon written notification to the chairman, or, in the case of the resignation of the chairman, to the vice-chairman. The members of the Commission must be notified of the resignation at the next meeting of the Commission. In the event that an officer's membership in the Commission is terminated during his term of office, his office shall also be deemed terminated.
4. Special Elections: If an officer resigns or his membership is terminated prior to the expiration of his normal term of office, a special election shall be held at the next regular meeting following the vacancy of his office, to elect a new officer. The procedures for nominations and election shall be the same as those in section 2 above. The officer elected in the special election shall serve until the expiration of the regular term of office at the regular, bi-annual election.
5. Qualifications of Officers: All Commission members shall be eligible for nomination to any office. Officers may serve consecutive terms if reelected. No member may serve in two offices at the same time.
6. Titles and Duties of Officers: The Commission shall have three officers whose titles and duties are as follows:
  - a.) Chairman: Except as herein otherwise provided, the Chairman shall call and preside at all meetings of the Commission, appoint committee members, set the agenda, and sign all certificates of accreditation and agents permits.
  - b.) Vice-Chairman: The Vice-Chairman shall preside at all meetings of the Commission in the absence of the Chairman.

c.) Secretary: The Secretary shall be responsible for the compilation of the official Minutes of the meetings of the Commission (but may be assisted by the Commission staff in their preparation), and shall also sign all certificates of accreditation.

7. Committees: In addition to the Nominating Committee, the Commission may establish whatever standing or special committees it deems necessary and desirable, upon approval of a majority of the Commission members. The Chairman and members of a Committee shall be members of the Commission designated by the Chairman of the Commission. All committees of the Commission shall keep minutes of their proceedings, and their chairman shall provide the Commission with periodic progress reports at regular Commission meetings at least annually, and upon their termination. Under no circumstances shall a committee be constituted or conducted as an executive session of the Commission, except in accordance with the provisions of I.C. 5-14-1.5-6.

### III. DESIGNEES

1. Designees: Under I.C. 20-1-19-3, the Superintendent of Public Instruction and the Executive Officer of the Commission for Higher Education are statutory members of the Commission, or may appoint designees. Their designees may be appointed on a temporary (meeting-to-meeting) or permanent basis, upon written notification to the Commission by the statutory member. Designees shall have the same rights, including voting, as any other member.

### IV. DUTIES OF COMMISSION STAFF

1. Staff: In addition to its members and officers, the Commission may employ an administrative staff (I.C. 20-1-19-4), including an executive officer, and such other professional and clerical staff as it deems necessary. The staff shall report to the Commission, and advise and assist it in its fulfillment of its statutory responsibilities.

2. Executive Officer: The Executive Officer of the Commission shall be responsible for administering the day to day affairs of the Commission staff. The Executive Officer may enter contracts, employ and terminate staff and administer the provisions of I.C. 20-1-19-1 et seq., in accordance with the laws, regulations, and policies governing agencies of the State of Indiana.

3. Administrative Action: The Commission staff shall be authorized to accept applications for accreditation, approve annual accreditation renewals, issue agent licenses, investigate complaints and cooperate with nationally recognized accrediting agencies and educational authorities of other states.

4. Actions Prohibited: The Commission staff may not suspend or revoke accreditation for any cause other than failure to provide required documentation and/or fees for accreditation, licensure, and/or bonding requirements without the express approval of the Commission.

5. Reports: The Executive Officer of the Commission shall report the activities of the Commission staff to the Commission at each scheduled Commission meeting and at other times as directed by the chairman.

V. ADOPTION AND AMMENDMENTS

1. Adoption: These by-laws shall be adopted upon the approval of a majority of all members of the Commission present at a regular meeting of the Commission.
2. Ammendments: These by-laws may be amended at any regular meeting of the Commission by a majority vote of all members of the Commission present. Notice of intention to change, amend, or add to these by-laws and the exact text of such change, ammendment, or addition shall be submitted at any regular meeting and voted upon at the subsequent regular meeting at which a quorum is present.